

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OXFORD HEALTH INSURANCE, INC.,
OXFORD HEALTH PLANS (NY), INC.,
UNITED HEALTHCARE INSURANCE
COMPANY OF NEW YORK, INC., and
UNITED HEALTHCARE SERVICES, INC.,

Index No. 13 Civ 375
(AKH, J.) (ECF Case)

NOTICE OF MOTION

Plaintiffs,

-against-

DANIEL HAMNER, M.D., DANIEL HAMNER
PHYSICIAN, P.C., DANIEL HAMNER,
M.D., P.C., THE ESTATE OF ANNE M.
CHRISTOPHER, RICHARD HAMNER,
ERIKA MACBRIDE, RAINA HAMNER
and RAE BAYMILLER,

Defendants.

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S I R S :

PLEASE TAKE NOTICE THAT, upon the annexed Pu Declaration and the Appendix annexed thereto, and the accompanying brief, and upon all the prior papers filed and proceedings had herein, the undersigned will move this Court, on 5/16/13 before the Hon. Alvin K. Hellerstein, at 500 Pearl Street, New York, NY, Rm. 1050 , New York, NY at 9:30 a.m. or as soon thereafter as counsel can be heard, for orders:

1. pursuant to Rule 19 for failure to join an indispensable party-- namely, the Executor of the Estate;
2. pursuant to Rule 12(b)(2) for lack of personal

jurisdiction, inasmuch as the Executor was not properly served;

3. pursuant to Rule 12(b)(6) and Rule 9(b) for failure to state a claim and for failing to allege fraud with sufficient particularity; and

4. pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction;

and for further relief as the Court deems just and proper.

Dated: New York, NY
April 15, 2013



Richard Pu, Esq. (RP2321)
Attorney for Defendant
Estate of Anne M. Christopher

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